IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 4234 of 2007

Date of Decision : 20.03.2007

Rajvir Singh ... Petitioner

Versus

State of Punjab and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. S.K. Arora, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner is stated to have made a complaint dated 03.07.2002 to the Lokpal, Punjab. It is the claim of the petitioner, as has been projected in the pleadings of the instant writ petition, that a regular enquiry was conducted at the hands of the Lokpal. However, no final conclusion has been drawn after the culmination of the enquiry proceedings. Learned counsel for the petitioner states, that the proceedings initiated on the basis of the complaint should be carried out to its logical conclusion, and in case the enquiry process has been completed, the report of the Lokpal should be furnished to the complainant. In this behalf, learned counsel for the petitioner has placed reliance on Section 16 of the Punjab Lokpal Act, 1996. Section 16 of the aforesaid Act is being extracted hereunder:

> "16. Reports.- If, after inquiry in respect of a complaint, the Lokpal is satisfied, -
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> (a) that no allegation made in the complaint has been substantiated either wholly or partly, he shall close the case and

intimate the complainant, the public man and the competent authority accordingly; or

(b) that all or any of the allegations made in the complaint have or has been substantiated either wholly or partly he shall by report in writing communicate his findings and recommendations to the competent authority and intimate the complainant and the public man concerned about his having made the report.

(2) The competent authority shall examine the report forwarded to it under clause (b) of sub-section (1) and communicate to the Lokpal, within three months, of the date of receipt of the report, the action taken or proposed to be taken on the basis of the report.

(3) If, the Lokpal is satisfied with the action taken or proposed to be taken on the basis of his report under clause (b) of sub-section (1), he shall close the case and intimate the complainant, the public man and the competent authority accordingly, but where he is not so satisfied and if, he considers that the case so deserves, he may make a special report for reviewing decision to the Governor.

(4) The Lokpal shall present annually to the Governor a consolidated report on the administration of this Act.

(5) As soon as may be, after and in any case not later than ninety days from the receipt of a special report under sub-section (3), or the annual report under sub-section (4), the Governor shall cause the same together with an extraordinary

memorandum to be laid before the State Legislature.

Explanation.- In computing the period of ninety days referred to in this sub-section, any period during which the State Legislature is not in session, shall be excluded."

In view of Section 16 of the Punjab Lokpal Act, 1996, we are satisfied, that the complaint made by the petitioner should be carried out its logical conclusion. Accordingly, in case the proceedings, initiated on the basis of the complaint made by the petitioner on 03.07.2002, have not been completed, the exercise should be completed as expeditiously as possible. In case the process has been completed, the petitioner be furnished a copy of the report in terms of the provisions of Section 16 of the Punjab Lokpal Act, 1996.

Disposed of accordingly.

(J.S. Khehar)
Judge

March 20, 2007 (S.D. Anand)
vkd Judge